

**SUPPLEMENTAL FINDINGS AND ORDER DENYING APPEAL  
ENFORCEMENT CASE NO. RFS 09-0007154/EF990399**

1. These supplemental findings are adopted pursuant a court order dated April 25, 2014, in the case entitled *Lamar Advertising Company v. County of Los Angeles, et al.*, Los Angeles Superior Court Case No. BS141216 ("Lawsuit").

Background

2. On April 7, 2009, the Department of Regional Planning ("Regional Planning"), Zoning Enforcement Division, issued a Notice of Violation ("NOV") to the owner of the real property identified by Assessor's Parcel Number ("APN") 3057-008-043, in the unincorporated Los Angeles County ("County") community of Acton, for maintaining a billboard on-site in violation of section 22.44.126, subsection (C)(5), of the Los Angeles County Code ("County Code").
3. On May 14, 2009, Regional Planning issued a revised NOV to correct the misidentification of the site's zoning in the original NOV. The revised NOV specified that the property owner was maintaining a billboard on-site in violation of section 22.44.126, subsection (C)(5), of the County Code.
4. On June 23, 2009, Regional Planning issued a Final Zoning Enforcement Order to the property owner and Lamar Advertising Company (~~%Lamar+~~) for continuing to maintain a billboard on-site in violation of section 22.44.126, subdivision (C)(5), of the County Code.
5. By letter dated June 29, 2009, Lamar appealed the Final Zoning Enforcement Order on behalf of Ina Hughes, the property owner.
6. On September 15, 2009, the Hearing Officer conducted a hearing on Lamar's appeal of the Final Zoning Enforcement Order in the matter of Enforcement Case No. RFS 09-0007154/EF990399 ("Appeal"). Following the hearing on September 15, 2009, the matter was continued to June 1, 2010, September 7, 2010, January 18, 2011, October 18, 2011, January 3, 2012, March 20, 2012, and June 5, 2012, without further substantive discussion.
7. The Hearing Officer conducted a continued hearing on the Appeal on November 6, 2012. At the conclusion of the continued hearing, the Hearing Officer closed the hearing, denied the Appeal and upheld the Final Zoning Enforcement Order. The Hearing Officer issued a letter to Lamar dated December 6, 2012, setting forth the basis for the denial.

### The Lawsuit

8. Lamar filed the Lawsuit on or about January 29, 2013, seeking, among other things, a writ of mandate to set aside the Hearing Officer's decision denying the Appeal.
9. On April, 25, 2014, the court in the Lawsuit issued an order ("Court Order") which stated in relevant part:

The court adopts its tentative ruling as the order of the court.

The matter is remanded to [the Hearing Officer] with instructions to supplement its decision with discussion or findings that address all of the relevant issues advanced by petitioner, expose the respondent's mode of analysis and reveal the basis for respondent's decision for the reasons set forth in the court's Order, filed this date.

10. The court's tentative ruling dated April 25, 2014 ("Tentative Ruling"), states in relevant part:

The "substantive" basis for the hearing officer's decision fits in two paragraphs on a single page in the record (AR 217). The statement of decision does not discuss what the evidence in the record indicated with respect to the damage and repair of the sign. The decision does not discuss the application of the Outdoor Advertising Act, in particular [Business and Professions] Code § 5412, or the applicable regulations, particularly the provision for "customary maintenance" and "destroyed displays" under title 4, §§ 2270 and 2271 of the Administrative Code. The decision does not discuss the appropriate interplay of state and local regulatory power or refer to the Court of Appeal's opinion in *Viacom Outdoor, Inc. v. City of Arcata* (2006) 140 Cal.App.4th 230. The decision does not indicate whether the hearing officer determined the billboard had been repaired or rebuilt and why. The decision also states that [Lamar] did not receive appropriate approvals for its "repairs" to the billboard, without citing any regulation that would require a permit for such repairs. Nor does the decision discuss the evidence or law concerning the comparison of the repair cost to the value of the billboard or the timeliness of the repair under [County Code] § 22.56.1510(G), a central issue with respect to the acceptability of a repair for a non-conforming use. Discussion of these issues comprises the *Topanga* "analytical bridge." *Topanga*, 11 Cal.3d at 514-515.

11. The Court Order and the Tentative Ruling are attached hereto and made a part hereof.

#### Site Description and Zoning

12. The site is located west of Highway 14 (Antelope Valley Freeway) and north of Mountain Springs Road, within the unincorporated County community of Acton, within the Soledad Zoned District. The site is accessible via Forest View Road.
13. The site is approximately 12.76 acres and consists of primarily vacant land and native vegetation, with hilly terrain sloping to the northwest. The site is bisected east-to-west by power lines located within a utility easement recorded in favor of the City of Los Angeles Department of Water and Power.
14. Two billboards are located on the site. The billboard ("Billboard") which is the subject of the Appeal is located on the northern portion of the site, north of the power lines and utility easement, and visible from Highway 14. The second billboard is located on the southern portion of the site, south of the power lines and utility easement, and also visible from Highway 14.
15. The land use designation for the site under the Land Use Policy Map of the County General Plan is R (Non-Urban). The site is located within the Antelope Valley Area Plan land use category N-1 . Non Urban 1 (0.5 dwelling units per acre).
16. The site is zoned A-1-1 (Light Agricultural, One Acre Minimum Lot Area), C-3 (Unlimited Commercial), and M-1 (Light Manufacturing). The Billboard is located on the portion of the site zoned M-1. The M-1 zoning on the site was established by ordinance adopted by the County Board of Supervisors on September 30, 1958. Outdoor advertising displays are permitted in the M-1 zone.
17. The site is located within the Acton Community Standards District ("Acton CSD") (County Code § 22.44.126). The Acton CSD was established by ordinance adopted by the County Board of Supervisors on November 21, 1995. Section 22.44.126, subsection (C), of the County Code establishes community-wide development standards for the Acton CSD area. Section 22.44.126, subsection (C)(5), provides that the Acton CSD "shall be designated a billboard exclusion zone in compliance with Part 3 of Chapter 22.40" of the County Code. Part 3 of Chapter 22.40 provides, in pertinent part, that billboard exclusion zones "may be used for any use permitted in the basic zone, subject to the conditions and limitations set forth therein, except outdoor advertising signs." Therefore, outdoor advertising displays such as billboards are not permitted within the Acton CSD, even though the underlying zoning (such as the M-1 zone) may allow for outdoor advertising displays.

### The Billboard

18. The Billboard was legally established in the M-1 zone in either 1966 or 1967 pursuant to a permit issued by the State of California Department of Public Works, Division of Highways, Outdoor Advertising Section.
19. A survey of outdoor advertising displays conducted by Regional Planning staff in or about April 2007 documented the Billboard in an aging condition. The survey also noted that the Billboard face was supported by nine "telephone pole" support posts. The support posts were "weathered" and "aged," as were the Billboard's lateral supports.
20. The Regional Planning staff report as well as photographs and testimony by staff and Lamar in connection with the Appeal established that on or about November 13, 2008, a windstorm blew the lights and facing off the Billboard and snapped the easternmost of the Billboard's support posts. Lamar's Electricity to the sign was damaged and shut off by the utility company at Lamar's request.
21. On or about May 12, 2009, Regional Planning staff observed a commercial vehicle replacing the Billboard's advertising face and support structures. Inspections of the Billboard by Regional Planning staff on March 23, 2009, and May 6, 2009, disclosed new lateral supports, a smaller advertising face made of new wood supported by seven posts (as opposed to the original nine support posts), the removal of the easternmost support post and the partial removal of the westernmost support post, and new electrical equipment and Romex wiring. Photographs submitted in connection with the Appeal show that, prior to the windstorm, the Billboard was equipped with five lamps along the top of the sign, illuminating downward, and that, after the windstorm, the five lamps along the top of the Billboard had been removed and three new lamps installed along the bottom of the Billboard, illuminating upward. Lamar's Lancaster operations manager, Michael Gentile, submitted a declaration in connection with the Appeal stating that the Billboard's catwalk was also replaced following the windstorm.
22. Based on the destroyed condition of the Billboard following the November 2008 windstorm, and the new materials, equipment, and design of the Billboard as rebuilt, Regional Planning staff concluded that the Billboard was a new billboard, and issued the NOV and revised NOV on May 14, 2009, and June 23, 2009, respectively, citing the property owner for maintaining a new billboard on-site in violation of section 22.44.126, subdivision (C)(5), of the County Code (Acton CSD). On June 23, 2009, Regional Planning issued the Final Zoning Enforcement Order to the property owner and Lamar for continuing to maintain a billboard on-site in violation of section 22.44.126, subdivision (C)(5), of the County Code.

September 15, 2009, Appeal Hearing

23. Lamar appealed the Final Zoning Enforcement Order by letter dated June 29, 2009, pursuant to section 22.60.390 of the County Code. Lamar contended in its appeal letter that the Billboard was lawfully "rebuilt in kind" pursuant to the California Outdoor Advertising Act ("Outdoor Advertising Act") and implementing regulations.
24. The Hearing Officer held an Appeal hearing on September 15, 2009. During the Appeal hearing, Regional Planning staff testified, among other things, that the Billboard on the site was new, based on the new materials and equipment. Staff further testified that the Outdoor Advertising Act did not preempt County regulations, including the billboard exclusion zone established by the Acton CSD, and cited in support *Viacom Outdoor, Inc. v. City of Arcata* (2006) 140 Cal.App.4th 230 ("*Viacom*").
25. Also during the September 15, 2009, Appeal hearing, Lamar's billboard manager, Bruce Haney, Jr., and Lamar's general manager of its Lancaster branch, Todd Porter, testified in support of Lamar's Appeal. Mr. Haney testified, among other things, that the Billboard had blown down during the November 2008 windstorm; that "repairs" to the Billboard following the windstorm included a new advertising face, as well as new "bolts and stringers;" that Lamar had requested that the electric company shut off electricity to the Billboard for safety concerns; and that the cost of "repairs" to the Billboard was \$1,823. Mr. Haney also submitted a photograph showing the Billboard following the November 2008 windstorm. The photograph showed the Billboard's advertising face and lighting face-down on the ground, and the easternmost support post snapped and also lying on the ground. Mr. Porter testified, among other things, that following the November 2008 windstorm, eight of the nine Billboard support posts remained physically in the ground; that the advertising face was made smaller following the windstorm; that there were no changes to height or orientation of the Billboard; and that the market value of the Billboard was in excess of \$42,000, which was the amount of revenue it generated annually at the time. Mr. Porter also testified that he had had experience with two other billboards which had blown down, one in Los Angeles County and one in San Bernardino County.
26. Also during the September 15, 2009, Appeal hearing, counsel for Lamar agreed that a "new" billboard would be subject to existing County regulations, but argued that, under the Outdoor Advertising Act, work done to the Billboard following the November 2008 windstorm constituted "customary maintenance" of an existing billboard, which does not subject the Billboard to existing County regulations. Counsel for Lamar also argued, among other things, that the Billboard was lawfully "refurbished, replaced, rebuilt or reerected [sic]" within the time limitations established by section 2271 of Title 4 of the California Code of Regulations.

27. Also during the September 15, 2009, Appeal hearing, a discussion was had between the Hearing Officer and Lamar's counsel as to whether Lamar was required to obtain a Nonconforming Use Permit ("NCR Permit") to continue to maintain the Billboard on-site pursuant to section 22.56.1510, subsection (G), of the County Code. Section 22.56.1510, subsection (G), provides in relevant part that "[a]ny building or structure nonconforming due to use and/or standards which is damaged or partially destroyed may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction," subject to certain provisions.
28. At the conclusion of the September 15, 2009, Appeal hearing, Lamar agreed to file an application for an NCR Permit. The Hearing Officer continued the Appeal hearing to June 1, 2010, to allow Lamar to apply for the NCR Permit.

#### NCR Permit Proceedings

29. Lamar filed an application for an NCR Permit on or about November 16, 2009, to allow the Billboard to remain on the site.
30. The Regional Planning Commission ("Commission") held a public hearing on the NCR Permit on or about August 8, 2012. Regional Planning's staff report submitted in connection with the August 8, 2012, public hearing recommended that the Commission approve the NCR Permit and find that the Billboard was appropriately repaired pursuant to section 22.56.1510, subsection (G), of the County Code. The staff report further recommended the Commission adopt a condition by which the NCR Permit, and the Billboard's legal nonconforming status, would expire five years from the date of approval. Lamar stated during the public hearing that it would not accept the NCR Permit with the recommended expiration date.
31. At the conclusion of the August 8, 2012, public hearing, the Commission continued the public hearing to September 19, 2012. On September 19, 2012, the Commission continued the public hearing to October 3, 2012, without substantive discussion.
32. On or about September 26, 2012, Regional Planning staff notified Lamar that it was recommending approval of the NCR Permit without an expiration date. On or about October 2, 2012, Lamar withdrew its NCR Permit application, citing the unacceptability of certain conditions being recommended by Regional Planning staff.
33. The Commission held a continued public hearing on the NCR Permit on October 3, 2013. At the continued public hearing, staff advised the Commission that Lamar had withdrawn its permit application. The Commission accepted the

withdrawal of the permit application without taking any final action on the NCR Permit.

34. While the NCR Permit application was pending, the Hearing Officer continued the Appeal to June 1, 2010, September 7, 2010, January 18, 2011, October 18, 2011, January 3, 2012, March 20, 2012, and June 5, 2012, without substantive discussion.

November 6, 2012, Continued Appeal Hearing

35. The Hearing Officer held a continued Appeal hearing on November 6, 2012. During the continued hearing, Regional Planning staff summarized the results of the NCR Permit process and reiterated staff's position that the Outdoor Advertising Act does not preempt local County regulations with respect to the Billboard, citing *Viacom*, and requested the Hearing Officer sustain the Final Zoning Enforcement Order.
36. During the continued Appeal hearing, Mr. Porter again testified in support of the Appeal. Mr. Porter testified, among other things, that the structure of the Billboard as rebuilt following the November 2008 windstorm was the same as before the windstorm, except that the panel facing was reduced in size because one of the Billboard's support posts had been snapped in the windstorm and never replaced. Mr. Porter also testified that the cost of repairs to the Billboard was \$2,658, and that the market value of the Billboard was at least \$120,000.
37. Also during the continued Appeal hearing on November 6, 2012, Lamar's counsel argued, among other things, that the NCR Permit was not required to maintain the Billboard on the site, that repairs to the Billboard constituted "customary maintenance" under the Outdoor Advertising Act, and that the Appeal should be upheld.
38. At the conclusion of the continued Appeal hearing on November 6, 2012, the Hearing Officer closed the Appeal proceedings and denied the Appeal.
39. By letter dated December 6, 2012, the Hearing Officer issued its decision on the Appeal. The letter stated that:

Based on the evidence available at the time the appeal was considered, withdrawal of your [NCR Permit] application (Project Number R2009-02036[5]), and failure to exhaust all of your administrative remedies, I have not seen any documentation that would justify the dismissal of the Final Zoning Enforcement Order. You have not received the appropriate approvals for the repairs to the billboard (outdoor

advertising sign) being maintained on the premises, despite [the NOV, revised NOV, and Final Zoning Enforcement Order] which informed you that you were in violation of the Los Angeles County Zoning Ordinance, Title 22, Sections 22.32.010, 22.32.020, 22.44.126(C)(5).

Outdoor Advertising Act and *Viacom*

40. The Outdoor Advertising Act (Cal. Bus. & Prof. Code §§ 5200, et seq.) generally regulates advertising displays adjacent to certain highways and establishes "minimum standards with respect thereto." (Cal. Bus. & Prof. Code § 5228.) The Outdoor Advertising Act does not preempt local ordinances but "explicitly and repeatedly invites augmentation from local authorities." (*Viacom*, 140 Cal.App.4th at 246.)
41. The Outdoor Advertising Act provides that local governments cannot compel the removal of billboards and other outdoor advertising displays, or limit the "customary maintenance" of such billboards or displays, without the payment of compensation, provided the billboard or display was "lawfully erected in compliance with state laws and local ordinances in effect when the displays were erected." (Cal. Bus. & Prof. Code § 5412.)
42. Section 2270 of Title 4 of the California Code of Regulations defines "customary maintenance" as "any activity performed on a[n outdoor advertising display] for the purpose of actively maintaining the [outdoor advertising display] in its existing approved physical configuration and size dimensions at the specific location approved on the application for State Outdoor Advertising Permit, or at the specific location officially recorded in the records of the [CalTrans] for a legally placed [outdoor advertising display], for the duration of its normal life." "Customary maintenance" includes: (1) changing of the advertising message; (2) adding an extension to an outside dimension of an outdoor advertising display as incident to the copy for a temporary period up to three years; (3) the sale, lease, or transfer of the outdoor advertising display or its permit; and (4) adding a light box (as defined in section 2242, subdivision (q), of Title 4 of the California Code of Regulations). (Cal. Code Regs., tit. 4, § 2270(a).) "Customary maintenance" does not include: (1) raising the height of the outdoor advertising display from ground level; (2) relocating all or a portion of an outdoor advertising display; (3) adding a back-up facing to a single facing display; (4) increasing any dimension of a facing except for certain extensions specified under section 2270(a)(2) of Title 4 of the California Code of Regulations; (5) turning the direction of a facing; and (6) adding illumination or a changeable message, with the exception of a light box. (Cal. Code Regs., tit. 4, § 2270(b).)
43. On the other hand, under the Outdoor Advertising Act, the erection or maintenance (other than "customary maintenance") of an outdoor advertising display is a new "placement" subject to local ordinances then in effect. (Cal. Bus.



& Prof. Code § 5225; *Viacom*, 140 Cal.App.4th at 243.) The "re-erection" of a destroyed billboard is a new "placement," not "customary maintenance." (*Viacom*, 140 Cal.App.4th at 243.)

44. The Hearing Officer finds that reconstructive work performed by Lamar on the Billboard following the November 2008 windstorm is not "customary maintenance" as defined in the Outdoor Advertising Act or section 2270 of Title 4 of the California Code of Regulations. Section 2270 cabins "customary maintenance" to "any activity performed on an [outdoor advertising display] for the purpose of actively maintaining the [outdoor advertising display] in its existing approved physical configuration and size dimensions" (emphasis added). Work performed by Lamar was not to maintain the Billboard in its "existing approved physical configuration and size dimensions," but rather to reconstruct it in a different physical configuration after it had been destroyed in a windstorm. This finding is based on the following facts:
- A. The Billboard was toppled during the windstorm and suffered extensive damage to its lights, advertising face, electrical equipment, and support posts.
  - B. The Billboard was nearly entirely re-constructed with new lateral supports, a new advertising face which was smaller than the original and made of new wood, new electrical equipment and wiring, new lamps in a different configuration, and a new catwalk.
  - C. Two of the nine support posts were removed or partially removed, and are no longer used to support the Billboard structure.
  - D. A representative of Lamar testified that he had had experience with two other billboards which had blown down, one in Los Angeles County and one in San Bernardino County, indicating that the toppling of a billboard due to wind is not a routine occurrence but a relatively extraordinary event necessitating special and extensive repairs.
45. The Hearing Officer finds that evidence presented by Lamar as to the relatively low cost to re-erect the Billboard as compared to the market value of the Billboard does not support the proposition that work done on the Billboard was "customary maintenance." As contemplated by section 2270, subdivision (b), of Title 4 of the California Code of Regulations, even relatively low-cost improvements to an outdoor advertising display, such as raising the height of the display or adding illumination, are not "customary maintenance."
46. The Hearing Officer finds that the testimony of Lamar's representatives that the Billboard was "damaged" in the November 2008 windstorm and that repairs to the Billboard were minor is not supported by the evidence presented to the

Hearing Officer, which disclosed extensive repairs to the Billboard, as well as changes in the Billboard's dimensions and lighting configuration.

47. The Hearing Officer finds that section 2271 of Title 3 of the California Code of Regulations, cited by Lamar's counsel during the Appeal hearing, is not applicable. Section 2271 addresses only certain circumstances that will not result in loss of a CalTrans permit following the destruction of an outdoor advertising display, and does not supersede local zoning ordinances governing the new "placement" of outdoor advertising displays. (*Viacom*, 140 Cal.App.4th at 242-43.) In any event, the Hearing Officer further finds that Lamar did not timely "re-erect" the Billboard within 60 days as required by section 2271. Testimony and photographs submitted by Regional Planning staff in connection with the Appeal hearing show that Lamar re-erected the Billboard in or about March 2009, more than 60 days after Lamar became aware of the destruction of the Billboard.
48. The Hearing Officer finds that, because Lamar's re-erection of the Billboard following the November 2008 windstorm is a new "placement" under the Outdoor Advertising Act, the Billboard violates the billboard exclusion zone established in the Acton CSD (County Code § 22.44.126(C)(5)), and may be compelled to be removed.

#### Repairs to a Nonconforming Use

49. Section 22.56.1510, subsection (G), of the County Code allows the reconstruction of "[a]ny building or structure nonconforming due to use and/or standards which is damaged or partially destroyed." Such reconstruction is allowed, among other requirements, only if costs to repair the partially destroyed or damaged structure do not exceed 50 percent of the market value of the structure.
50. The Hearing Officer finds that section 22.56.1510, subsection (G), does not authorize the re-erection of the Billboard because the Billboard was completely destroyed, not "partially destroyed or damaged." The November 2008 windstorm effectively demolished the Billboard, severing and knocking to the ground its critical advertising elements, the advertising face and the electrical illumination, which eliminated the Billboard's functionality as an advertising display. The amount and type of repairs undertaken by Lamar also tend to show that the Billboard was completely destroyed, as nearly all elements of the Billboard, including the face, the lighting, the electrical equipment, lateral supports, and the catwalk, were rebuilt anew.
51. The Hearing Officer finds that the conclusion that the Billboard was destroyed is supported by section 2271 of Title 4 of the California Code of Regulations. Section 2271, subdivision (a), provides that a billboard "is destroyed and not

eligible for customary maintenance when for 60 days after notice from [CalTrans], it remains damaged and is not used for the purpose of outdoor advertising in the configuration (size, Facings, location, structure) approved by [CalTrans]" (emphasis added). Following the November 2008 windstorm, the Billboard was not usable for the purpose of outdoor advertising in any configuration whatsoever, because its advertising face and other advertising components had detached from the support posts and lay face-down on the ground. That some of the support posts remained in the ground following the November 2008 windstorm does not mean that the Billboard, which had ceased to be usable for outdoor advertising purposes, was merely "damaged" or "partially destroyed."

52. The Hearing Officer further finds that the destruction of the Billboard in the November 2008 windstorm is tantamount to the "removal" of the Billboard, which pursuant to section 22.56.1540, subsection (A)(2), of the County Code "immediately terminate[s] the right to operate or use" the Billboard as a nonconforming structure.
53. The Hearing Officer further finds that, even if Lamar's re-erection of the Billboard could be construed as repairs to a "partially destroyed or damaged structure," Lamar failed to obtain an NCR Permit to authorize the continued use of the Billboard, as required by section 22.56.1550, subsection (A)(1)(a), of the County Code. As explained in these supplemental findings, above, the Hearing Officer finds that Lamar's repairs to the Billboard following the November 2008 windstorm went well beyond "customary maintenance" as contemplated in the Outdoor Advertising Act, but rather constituted a new "placement," subjecting the Billboard to County regulations. County regulations require the removal of existing nonconforming Billboards within five years. (County Code § 22.56.1540(B)(1)(d).) Because the Billboard had existed on the site more than five years following the establishment of the Acton CSD's billboard exclusion zone in 1995, Lamar was required to obtain an NCR Permit to authorize an extension of time to operate the Billboard. (County Code § 22.56.1550(A)(1)(a).) Lamar failed to obtain the NCR Permit because it withdrew its NCR Permit application on October 2, 2012, one day before the Commission could hear and take final action on the matter.

#### Exhaustion of Administrative Remedies

54. The Hearing Officer's written decision dated December 6, 2012, found that Lamar had failed to exhaust its administrative remedies by abandoning its NCR Permit application. Because the court's Tentative Ruling determined that Lamar had "exhausted its administrative remedies with respect to the appeal from the final zoning enforcement order" (Tentative Ruling, at 2), the Hearing Officer no longer finds that Lamar was required to finalize the NCR Permit process to preserve its challenge to the Final Zoning Enforcement Order for judicial review. The Hearing Officer finds, however, that to the extent that the re-erection of the Billboard could

be construed as repairs to a "partially destroyed or damaged structure," Lamar failed to obtain an NCR Permit as required by section 22.56.1550, subsection (A)(1)(a), of the County Code.

Relationship to Decision dated December 6, 2012

55. These supplemental findings supplement the Hearing Officer's written decision dated December 6, 2012. The decision dated December 6, 2012, is appropriately read and understood with reference to these supplemental findings, and not in isolation. A copy of the December 6, 2012, written decision is attached hereto and made a part hereof.

**BASED ON THE FOREGOING, THE HEARING OFFICER:**

1. Finds that Lamar has failed to present evidence sufficient to show why its appeal of the Final Zoning Enforcement Order should be sustained;
2. Denies the appeal of the Final Zoning Enforcement Order in the matter of Enforcement Case No. RFS 09-0007154/EF990399; and
3. Orders Lamar to pay a noncompliance fee in the amount of \$712 pursuant to section 22.60.290, subsection (B)(1), of the County Code.

**Attachments:**

Court Order dated April 25, 2014  
Tentative Ruling dated April 25, 2014  
Hearing Officer letter dated December 6, 2012